

## AN ACT TO ESTABLISH A COLLEGE BY THE NAME AND STYLE OF THE UNIVERSITY AT KINGSTON.

**W**HEREAS, by the Petition of the Rev. Robert McGill, Moderator of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, and of the Rev. Alexander Gale, Clerk of the said Synod, it appears, that certain lands and funds have been placed at the disposal of the Presbytery of Toronto, by benevolent individuals, for the purpose of assisting in the establishment of an Academical Institution, or College, in connection with the Church of Scotland: **AND WHEREAS**, the establishment of a University at Kingston, in the Midland District of this Province, for the education of youth in the principles of the Christian Religion, and for their instruction in the various branches of Science and Literature which are taught in the Universities of the United Kingdom, would greatly conduce to the welfare of the inhabitants of this Province: *And Whereas*, Lot No. 32, in the 3rd Concession, south of Dundas Street, in the Township of Trufalga, in the District of Gore, is now held in trust by John Ewart, for the benefit of the said College, and it is desirable that the trustees hereinafter named, and their successors in office, have Legislative authority to take and hold the said lot of land, and other lands and funds, as a Corporate Body, in perpetuity, for the purpose aforesaid: *Be it enacted, &c.* That it shall and may be lawful for the Rev. Robert McGill, the Rev. Alexander Gale, the Rev. John McKenzie, the Rev. William Rintoul, the Rev. William T. Leach, the Rev. James George, the Rev. John Machar, the Rev. Peter Colin Campbell, the Rev. John Cruikshank, the Rev. Alexander Mathieson, Doctor in Divinity, the Rev. John Cook, Doctor in Divinity, and the principal of the said College for the time being, Ministers of the Presbyterian Church of Canada in connection with the Church of Scotland; the Honourable John Hamilton, the Honourable James Crooks, the Honourable William Morris, the Honourable Archibald McLean, the Honourable John McDonald, the Honourable Peter McGill, Edward W. Thomson, Thomas McKay, James Morris, John Ewart, John Steele, John Mowat, Alexander Pringle, Thomas Blackwood, John Strang, Esquires, members of the said Church, and their successors, to take, receive, hold and maintain, in law, the above-named lot of land, or any other messuages, lands, tenements, hereditaments, or other property, real or personal, acquired, or to be acquired, for the establishment and maintenance of an Academical Institution or College, as aforesaid, for the education and instruction of youth and students in arts and faculties, such Institution to be called "*The University at Kingston.*"

2. *And be it enacted, &c.* That the said Trustees, and their successors, shall be, and remain forever hereafter, a Board or Body Politic and Corporate, in deed and in name, by the name and style of the "Trustees of the University at Kingston," and by that name shall and may have perpetual succession; and shall and may be able, in law and in equity, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and may have a common seal, and may change and alter the same at their pleasure; and also shall be able and capable to have, take, receive, purchase, acquire, hold, possess, enjoy, and maintain, in law, to and for the use of the said College, any messuages, lands, tenements, and hereditaments, of what kind, nature or quality soever, so as that the same do not exceed in yearly value, above all charges, the sum of fifteen thousand pounds sterling, and also that they, and their successors, shall have power to take, purchase, acquire, have, hold, enjoy, receive, possess, and retain, all or any goods, chattels, monies, stocks, charitable or other contributions, gifts, benefactions, or bequests, whatsoever, and to give, grant, bargain, sell, demise, or otherwise dispose of all, or any part of the same, or of any other property, real, personal, or other, they may at any time or times possess or be entitled to, as to them shall seem best, for the interest of the said College.

3. *And be it further enacted, &c.* That the said Board of Trustees shall for ever hereafter consist of twenty seven members, of whom twelve shall be Ministers of the said Presbyterian Church of Canada in connexion with the Church of Scotland, and fifteen shall be laymen in full communion with the said Church; the same to be appointed in succession, in manner as follows: that is to say, three ministers and four laymen, whose names stand lowest in this Act, and in the future roll of ministers and laymen composing the Board, shall, after the year 1842, retire from the Board annually, on the first day of the Annual Meeting of the said Synod, and their room be supplied by the addition of seven new members, three ministers, and four laymen, the three ministers to be chosen by the said Synod, on the first day of the Annual Meeting of the same, in such manner as shall seem best to the said Synod; and the four laymen to be chosen also on the first day of the Annual Meeting of the said Synod, by the Lay Trustees remaining after the seven have retired, from a list of persons made up in the following manner—that is to say: each congregation admitted on the roll of the said Synod, and in regular connexion therewith, shall, at their Annual Meeting, nominate, every third year, one fit and discreet person, being a member in full communion with said Church, to fill the office of Trustee of said College, and the persons' names so nominated, being duly intimated by the several congregations to the Secretary of the Board of Trustees, in such form as the said Board may direct, shall be enrolled by the said Board, and constitute the list from which Lay Trustees shall be chosen to fill the vacancies occurring at the Board during each year—

the names of members thus added to the Board to be placed, from time to time, at the top of the roll of the Board; *Provided always*, That the retiring Trustees may be re-elected as heretofore provided, if the Synod and remaining Lay Trustees respectively see fit to do so; *And provided always*, That in case no election of new Trustees shall be made on the said first day of the Annual Meeting of the said Synod, then, and in such case, the said retiring members shall remain in office, until their successors are appointed at some subsequent period; *And provided always*, That every Trustee, whether minister or layman, before entering on his duties as a member of said Board, shall have solemnly declared his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the standards of the said Church, in government, discipline and worship, and subscribed such a formula to this effect as may be prescribed by the said Synod; and that such declaration and subscription shall in every case be recorded in the books of the said Board; *And provided always*, That all the Trustees named in this Act shall continue to hold their offices, as members of said Board, until the first day of the Annual Meeting of the said Synod, which shall be holden in the year one thousand eight hundred and forty-three.

4. *And be it enacted, &c.* That after the removal, by death, resignation or otherwise, of the first Principal and Professor, who are to be nominated by the Committee of the General Assembly of the Church of Scotland, the said Trustees, and their successors, shall forever have full power and authority to elect and appoint, for the said College, a Principal who shall be a Minister of the Church of Scotland, or of the Presbyterian Church of Canada in connexion with the Church of Scotland; and such professor or professors, master or masters, tutor or tutors, and such other officer or officers as to the said Trustees shall seem meet; *Provided always*, That such person or persons as may be appointed to the office of Principal, or to any professorship or other office in the theological department in said College, shall, before discharging any of the duties, or receiving any of the emoluments of such office or professorship, solemnly declare his belief of the doctrines of the Westminster Confession of Faith, and his adherence to the standards of the Church of Scotland, in government, discipline, and worship, and subscribe such a formula to this effect as may be prescribed by the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland; and that such declaration and subscription be recorded in the books of the Board of Trustees; *And provided always*, that such persons as shall be appointed to professorships, not in the theological department in said College, shall, before discharging any of the duties, or receiving any of the emoluments of such professorships, subscribe such a formula declarative of their belief of the doctrines of the aforesaid Confession of Faith, as the Synod may prescribe.

5. *And be it enacted, &c.* That no religious test or qualification shall be required of, or appointed for any persons admitted or matriculated as scholars within the said College, or of persons admitted to any degree in any art or faculty therein, save, only, that all persons admitted to any degree in divinity, shall make such and the same declarations and subscriptions as are required by this Act to be made and subscribed by the Professor or Professors in the Theological Department.

6. *And be it enacted, &c.* That if any complaint, respecting the conduct of the Principal, or any Professor, Master, Tutor, or other Officer of the said College, be at any time made to the Board of Trustees, they may institute an inquiry; and in the event of any impropriety of conduct being duly proved, they shall admonish, reprove, suspend, or remove, the person offending, as to them may seem good; *Provided always*, that the grounds of such admonition, reproof, suspension, or removal, be recorded at length in the books of the said Board.

7. *And be it enacted, &c.* That the said Trustees, and their successors, shall have full power and authority to erect an edifice, or edifices, for the use of the said College; *Provided always*, that such edifice, or edifices, shall not be more than three miles distant from St. Andrew's Church, in the Town of Kingston, in the Province of Upper Canada.

8. *And be it enacted, &c.* That the said Trustees, and their successors, shall have power and authority to frame and make statutes, rules, and ordinances, touching and concerning the good government of the said College; the performance of Divine Service therein; the studies, lectures, exercises, and all matters regarding the same; the number, residence, and duties of the Professors thereof; the management of the revenues and property of the said College; the salaries, stipends, provision, and emoluments of and for the Professors, officers, and servants thereof; the number and duties of such officers and servants; and also touching and concerning any other matter or thing, which to them shall seem necessary, for the well-being and advancement of the said College, and agreeable to this Act; and also, from time to time, by any new statutes, rules, or ordinances, to revoke, renew, augment, or alter, all, every, or any of the said statutes, rules, and ordinances, as to them shall seem meet and expedient; *Provided always*, that the said statutes, rules, and ordinances, or any of them, shall not be repugnant to the provisions of this Act, or to the laws and statutes of this Province; *Provided also*, that the said statutes, rules and ordinances, in so far as they regard the performance of Divine Service in said College; the duties of the Professors in the Theological Department thereof; and the studies and exercises of the Students of Divinity therein; shall be subject to the inspection of the said Synod of the Presbyterian Church, and shall be forthwith transmitted to the Clerk of the said Synod, and be by him laid before the same at their next meeting, for their approval, and until such approval, duly authenticated by the signatures of the Moderator and Clerk of the said Synod, is obtained, the same shall not be in force.

9. *And be it enacted, &c.* That so soon as there shall be a Principal and one Professor in the said College, the Board of Trustees shall have authority to constitute, under their Seal, the said Principal and Professor, together with three members of the Board of Trustees, a Court, to be called "the College Senate," for the exercise of Academical superintendence and discipline over the Students, and all other persons resident within the same; and with such powers for maintaining order and enforcing obedience to the statutes, rules and ordinances, of the said College, as to the said Board may seem meet and necessary: *Provided always*, that so soon as three additional Professors shall be employed in the said College, no Trustee shall be a member of the College Senate, but that such Principal and all the Professors of the College shall forever constitute the College Senate with the powers just mentioned.

10. *And be it enacted, &c.* That whenever there shall be a Principal and four Professors employed in the said College, the College Senate shall have power and authority to confer the degrees of Bachelor, Master, and Doctor, in the several Arts and Faculties.

11. *And be it enacted, &c.* That five of the said Trustees, lawfully convened as is hereinafter directed, shall be a quorum for the despatch of all business, except for the disposal and purchase of real estate, or for the choice or removal of the Principal or Professors for any of which purposes there shall be a meeting of at least thirteen Trustees.

12. *And be it enacted, &c.* That the said Trustees shall have full power and authority, from time to time, to choose a Secretary and Treasurer; and also once in each year, or oftener, a Chairman, who shall preside at all meetings of the Board.

13. *And be it enacted, &c.* That the said Trustees shall also have power, by a majority of voices of the members present, to select and appoint, in the event of a vacancy in the Board, by death, resignation, or removal from the Province, a person, whose name is on the list from which appointments are to be made, to fill such vacancy, choosing a Minister in the room of a Minister, and a Layman in the room of a Layman, and inserting the name of the person so chosen in that place on the roll of the Board in which the name of the Trustee in whose stead he may have been chosen stood.

14. *And be it enacted, &c.* That the said Trustees shall have power to meet at the College upon their own adjournment, and so often as they shall be summoned by the Chairman, or in his absence by the Senior Trustee, whose seniority shall be determined by the order in which the said Trustees are named in this Act, or shall be elected hereafter: *Provided always*, that the said Chairman, or Senior Trustee, shall not summon a meeting of the Corporation unless required so to do by a notice in writing from three members of the Board: *And provided also*, that he cause notice of the time and place of the said meeting to be given in one or more of the public newspapers of the Provinces of Upper and Lower Canada, at least thirty days before such meeting; and that every member of the Corporation resident within the said Provinces, shall be notified in writing, by the Secretary to the Corporation, of the time of such meeting.

15. *And be it enacted, &c.* That so soon as the University of King's College, and the College hereby instituted, shall be in actual operation, it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, to authorise and direct the payment, from the funds of the said University of King's College, in aid of the funds of the College hereby instituted, of such yearly sum as to him shall seem just, for the purpose of sustaining a Theological Professorship therein, and in satisfaction of all claim, on the part of the Church of Scotland, for the institution of a Professorship of Divinity in the University of King's College, according to the faith and discipline of the Church of Scotland.

January, 1840.